

EXHIBIT 3

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COMMENTS IDENTIFIED IN COMPLAINT ¶ 106 PROTECTED BY THE CONSTITUTIONAL OPINION PRIVILEGE

<p>“Now Patricia Cummings teaches at a middle school, middle school 118, and she teaches social studies. She decided that she wanted to give the students a history lesson on the good old American pastime called slavery. Now, it’s Black History Month ladies and gentlemen, and one of the main problems I have with America’s version of black history is that when white people teach us about us they usually start at slavery. But we know that’s not the case, right? In the words of the late, great, Malcom X, our history did not begin in chains, but that’s what white people in America like to begin our story.”</p>	<p>Expression of personal viewpoint concerning misrepresentation of black historical experience in connection with conventional teaching about American slavery</p>
<p>“See, Patricia Cummings decided to give these kids a lesson on slavery and she put extra mayonnaise on it. Oh the Helms is heavy on this one. You see, Patricia Cummings was teaching kids about the Middle Passage—You do know what the Middle Passage is, right? It’s when Africans were kidnapped, stolen, boosted from Africa and brought to America as part of the slave trade.”</p>	<p>Rhetorical hyperbole and exaggerated figurative language</p>
<p>“Now let’s keep in mind that the kids in this school are 81% black and Hispanic and 3% white. Quick side-note, I’d love to know how many black and Spanish teachers this school has because you can avoid problems like the one Patricia caused for herself if you simply have us teaching us.”</p>	<p>Expression of personal viewpoint concerning diversity and pedagogical methods</p>
<p>“What’s up man? What’s up man? Why y’all just be tryin’ to give me to you, cracker-ass cracker? Man. I just told you that the school was 81% black and Hispanic so I have one question, why is Patricia in the kitchen on Soul Food Sundays? When it’s time to make a nice quiche, call Patricia. You know good and damn well when you let Patricia make the potato salad she heavy handed with the mayonnaise. So why, oh why, is she in the kitchen on Soul-Food Sundays?”</p>	<p>Rhetorical hyperbole and exaggerated figurative language</p>
<p>“If you a white teacher teaching [a] majority black and Hispanic class you should have to run those lesson plans by some type of diversity board at the school to make sure you talkin’ the right language to the kids, especially when it comes to sensitive subject[s] like slavery.”</p>	<p>Personal observation concerning educational importance of diversity</p>

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<p>“Okay Patricia. Why would you want kids to know what slavery feels like? You could have shown them the horrors of slavery by simply showing them 12 Years a Slave. Okay, you could have puts Roots on in the classroom, the old one or the remake. You could’ve put Birth of a Nation and showed them the horror of slavery but also how the great Nat Turner fought back, but NO. You would rather lay kids on their stomach and step on their backs because, truth be told, you wanted to break their spirits; You wanted to give them an inferiority complex. It has to be that because I can’t think of any other reason you would want kids to know what slavery feels like.”</p>	<p>Inherently unverifiable assessment of motive and intent, and pure opinion based on publicly reported information</p>
<p>“There was all kind of lesson plans you could’ve gave these kids other than laying them on the floor, on their stomachs, and steppin’ on their back. See I refuse to believe that Patricia Cummings, a middle school teacher making over 68,000 a year, doesn’t know any better and that she couldn’t do any better. I could’ve created a better lesson plan for these kids and my lesson plan would’ve actually had some redeeming qualities to it. I need Patricia Cummings to explain what was the redeeming value in this lesson.”</p>	<p>Subjective evaluation of state of mind and pure opinion based on publicly reported information</p>
<p>“Okay, she wanted kids to feel how it felt to be a slave? You gonna lay someone’s child on their stomach, put your foot in their back and say how does it feel? I’ll tell you how it feels! It feels like a white devil got her hoof in my back, alright! It feels like I wanna slap fire out of a racist, bigot cracker-ass cracker.”</p>	<p>Exaggerated rhetoric employing unverifiable terms and pure opinion based on publicly reported information</p>